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7 Attorney for Avinash Kumar

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

ORDER

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 AVINASH KUMAR,

14 Defendant.

Case No. 2:19-mj-192-VCF

~~STIPULATION TO CONTINUE~~  
**BENCH TRIAL**  
(Third Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
16 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel  
17 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Robert  
18 O'Brien, Assistant Federal Public Defender, counsel for Avinash Kumar, that the bench trial  
19 currently scheduled on February 5, 2020 at 9:00 AM, be vacated and continued to a date and  
20 time convenient to the Court, but no sooner than sixty (60) days, excluding May 1-10.

21 This Stipulation is entered into for the following reasons:

22 1. Parties are close to reaching negotiations, but final details are still being  
23 worked out.

24 2. If no negotiation is reached, defendant needs additional time for investigation.  
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26

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 4 2020	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

1           3.       Additionally, denial of this request for continuance could result in a  
2 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
3 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
4 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
5 18, United States Code § 3161(h)(7)(B)(iv).

6           This is the third request for a continuance of the bench trial.

7           DATED this 3rd day of February, 2020.

8  
9       RENE L. VALLADARES  
Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

10  
11       /s/ Robert O'Brien  
By \_\_\_\_\_

/s/ Rachel Kent  
By \_\_\_\_\_

12       ROBERT O'BRIEN  
13       Assistant Federal Public Defender

RACHEL KENT  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 AVINASH KUMAR,

7 Defendant.  
8

Case No. 2:19-mj-192-VCF

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

- 13 1. Parties are close to reaching negotiations, but final details are still being  
14 worked out.
- 15 2. If no negotiation is reached, defendant needs additional time for investigation.
- 16 3. Additionally, denial of this request for continuance could result in a  
17 miscarriage of justice. The additional time requested by this Stipulation is excludable in  
18 computing the time within which the trial herein must commence pursuant to the Speedy Trial  
19 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title  
20 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

21 This is the third request for a continuance of the bench trial.  
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**CONCLUSIONS OF LAW**


The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, February 5, 2020, at 9:00 a.m., be vacated and continued to May 20, 2020 at the hour of 9:00 A.m.

DATED this 4<sup>th</sup> day of February, 2020.



UNITED STATES MAGISTRATE JUDGE

CAM FERENBACH  
U.S. MAGISTRATE JUDGE